

**ASSEMBLY BILL**

**No. 1386**

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**Introduced by Assembly Member Hayashi**

February 27, 2009

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An act to amend Section 14528.5 of the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1386, as introduced, Hayashi. State Highway Route 238.

Existing law authorizes a city or county in which a planned transportation facility was to be located on State Highway Route 238 in Alameda County to develop and file with the California Transportation Commission a local alternative transportation program that addresses transportation problems and opportunities, and provides for the use of revenues from the sales of excess properties acquired for the planned state facility in order to fund the local alternative program, but limits the use of revenues from excess property sales to state highway purposes. Existing law provides that the commission may not approve a local alternative program under these provisions after July 1, 2010.

This bill would modify the restriction limiting use of revenues from excess property sales to state highway purposes by authorizing those revenues to be used for any highway purpose.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 14528.5 of the Government Code is amended to read:

14528.5. (a) To resolve local transportation problems resulting from the infeasibility of planned state transportation facilities on State Highway Route 238 in the City of Hayward and Alameda County, the city or county in which the planned facilities were to be located, acting jointly with the transportation planning agency having jurisdiction over the city or county, may develop and file with the commission a local alternative transportation improvement program that addresses transportation problems and opportunities in the county which were to be served by the planned facilities. Priorities for funding in the local alternative program shall go to projects in the local voter-approved transportation sales tax measure.

(b) The commission shall have the final authority regarding the content and approval of the local alternative transportation improvement program. The commission shall not approve any local alternative transportation improvement program submitted under this section after July 1, 2010.

(c) All proceeds from the sale of the excess properties, less any reimbursements due to the federal government and all costs incurred in the sale of those excess properties, shall be allocated by the commission to fund the approved local alternative transportation improvement program and shall not be subject to Sections 188 and 188.8 of the Streets and Highways Code. The proceeds shall be used only for ~~state~~ highway purposes.

(d) This section does not apply to those highways that are in the National System of Interstate and Defense Highways.

(e) This section applies only to State Highway Route 238.

(f) Section 14528.8 does not apply to projects undertaken pursuant to this section.

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